

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

INVESTIGATION NARRATIVE

CSHO I.D.: L2249 11-021
INSPECTION NO.: 315176909
DATE CASE OPENED: 12/09/2010

TYPE INSPECTION: Accident-Fatality

EMPLOYER: City of Norfolk Police Department
2500 North Military Highway
Norfolk, Virginia 23502

BUSINESS TYPE: The Norfolk Police Department operates their training academy to train and prepare recruits for everyday police work. Police recruits participate in training to successfully complete the state certified Police Officer Training Academy. Police Recruit academy training lasts approximately 6 months and consists of classroom, physical fitness, and police situation simulation training. Police Recruits attend the academy Monday through Friday from 8 AM until 5 PM. Training times are changed from time to time for various training elements such as night firing of the pistol, night driving, and other scenarios.

CLASSROOM - Students receive quality classroom instruction in such areas as Basic Law, Criminal Investigation, Report Writing, and other law enforcement related topics. Students receive periodic testing to access their success in learning classroom materials. Students must meet or exceed minimum standards established by the police academy and the Virginia Department of Criminal Justice Services (DCJS).

PHYSICAL FITNESS – Students receive intense and rigorous physical training related to fitness and health standards on a daily basis as needed to perform the sometimes physically demanding aspects of law enforcement.

POLICE SITUATION SIMULATION TRAINING – Defensive Driving , Defensive Tactics, Firearms

I. BACKGROUND

A. PURPOSE - This inspection was initiated by a page to the Fatality/Catastrophe pager at approximately 6:30 PM on Thursday, December 9, 2010. The on-call CSHO responded to the above listed site at 7:00 PM and was joined by a second CSHO approximately 40 minutes later. The CSHO's were notified that a recruit was non-responsive, disoriented and developing breathing difficulties. EMS has been summoned and the recruit had initially been transported to Leigh Memorial Hospital by ambulance and then helicoptered to Sentara Norfolk General Hospital for emergency surgery.

B. WORK SITE DESCRIPTION - The site was an existing single story type building used or office and classroom space. The accident occurred in the gymnasium room where recruits were training in Defensive Tactics. The gymnasium, an open room approximately forty feet square, had wrestling type mats on the floor and seating along one wall. An exterior double door on the east side of the room was used to enter and exit the building.

II. Finding of Facts

A. Weeks 9 and 10 of Class 87 were spent covering Defensive Tactics. Day 1 through 3 were used for Baton Techniques, Day 4 and 5 were Weaponless Control Techniques / Pressure Points, Days 6 and 7 were Active Counter Measures, Day 8 was Weapons Retention and Disarming, Day 9 was Ground Fighting.

B. The Defensive Tactics Schedule and Guide, Day 6 and 7, Active Counter Measures describes the "Blocks Drill" as:

"Lines will be formed (four). An instructor will put on boxing gloves and deliver punches, forcing the recruit to utilize their blocks (low intensity). During the drill the recruit's back will be up against a wall, hence minimizing their movement which forces them to use their blocking techniques."

The Defensive Tactics Schedule and Guide, Day 9, Ground Fighting Defense Techniques describes "Ground Fighting Testing" as:

"Recruits will sprint a short distance (simulating a foot pursuit) and come into the D T Gym. Once in the gym the recruits will lie on their backs. An instructor will be waiting on the mat and will get on the recruit in either a mount or guard position. When the whistle is blown the instructor will simulate strikes to the recruit and attempt to get recruits gun from the holster. The recruit must demonstrate one of the techniques they were shown as a means of escape. (Will the recruit know how to articulate their escalation of force when put to the test)."

The warning label for the protective head gear worn by the recruits provides as follows:

"Warning! Boxing, kickboxing and martial arts are contact sports. A person should not participate in these sports without a physician's approval. People with prior brain injury should not participate in these sports. The users of this product are subject to personal injury. Severe head, neck and other injuries, including death, paralysis and internal complications, may occur despite using this piece of equipment. This product helps provide a degree of protection but is not warranted to protect the user from injury. The manufacturer and distributor assume no liability for personal injury or death suffered while wearing this product. With time and use, the materials used in this product will lose some of its effectiveness and will require replacement."

C. The recruit had attempted the test two times previously. After the second attempt, he was exiting the gym at a run through the double door when he ran headfirst into another recruit, also at a run, who was just outside the door. They collided, bumping heads, and both seemed to stagger. When the other recruit entered the gym, he requested to sit down for a moment to compose himself from the collision.

At the time of the collision and throughout the exercises on 12/9/10, a staff member was stationed outside the double doors leading into the training room to signal to recruits when it was their turn to enter. The staff member at times was seen to enter the training room to watch some of the drills or for other reasons. At the time of the collision, the staff member was stationed outside the doors in his normal position. The video shows that recruits and staff members regularly used the doorway for both entering and exiting the training room. Recruits normally entered the room in teams of two at a run slowing down somewhat as they turned into the doorway. Recruits entered the doorway on a path parallel to the building at a run and had to make an immediate right hand 90 degree turn into the doorway. Recruits that did not successfully complete the exercise exited the room singly.

D. Mr. Kohn re-entered the gym minutes later and immediately got into position for the ground fighting test. The instructor straddled his torso and began to simulate strikes to the head. Mr. Kohn started to apply the appropriate techniques but soon stopped participating in the exercise which was halted by the instructor. He was disoriented and led to a seat along the wall where his breathing difficulties developed. At that point the staff recognized he was in distress and assistance was called.

E. All police officers as well as academy staff are trained to First Responded level and receive an American Heart Association certification card. In this training class, that training was to occur during Week 15. Response by the staff at the time of Mr. Kohn's incident was to the level of training that they had received.

1. The training syllabus clearly states that the training is designed to provide officers with the minimum knowledge and skills necessary for First Aid and CPR care with the intent that basic care may be given in the event of a Medical Aid Assistance Call.
2. A Medical Aid Assistance Call is defined as 'any call where an officer may be required to provide immediate and temporary care to the victim of an accident, assault, sudden illness, or obstetrical emergency until the services of trained medical personnel can be obtained."

F. The staff and recruit interviews verified that it was the regular practice of the training staff to ask recruits at breakfast, lunch and the end of the instruction day to report any injuries.

Training Unit Defensive Tactics Safety Rules, Article III, provide that:

"2.0 Participation and Reporting of Injury

....

2.2 All injuries must be reported as soon as possible after they occur to the Training Director or designee via ONLY the Norfolk Police Training Sergeant and the Norfolk Police Department Academy Staff Instructors.

2.2.1 Students who receive injuries occurring on city time or on their own time that require medical attention will be required to present a doctor's clearance before continuing training during any physical skill."

G. It was discovered after Mr. Kohn was taken to the hospital that he had had his "bell rung" earlier in the week. He had been staggered in an exercise with an instructor but declared that he was okay. He told his wife about the incident later that evening but without much detail. The following day he asked his peers if anyone knew the symptoms of a concussion.

III. Conclusions/Recommendations:

A. Conclusion:

- 1) Another recruit in the 87th class received a concussion prior to the victim's injury and it was similar in that each was wearing protective headgear and participating in exercises that involve being hit in the head. The head protection was inadequate for the activity and reviewing the hazard assessment should have recognized the potential for injury.
- 2) The victim received multiple hits to his head that ultimately lead to his death. The first was two days prior to the debilitating incident while the victim was in a strike blocking drill with an instructor. It was sufficient that the instructor questioned the recruit to determine if he was capable of continuing the exercise. The second was after the victim had failed in the ground fighting test and was leaving the gym, colliding with another recruit. The other recruit requested and was allowed to sit and rest after the collision while the other continued with the other continued with the testing scenario. The final hits to his head were when the instructor was standing over the victim in the ground fighting test.

- Recommendation: “1. Provide head injury education for all current instructors and recruits at the beginning of every Recruit Training Academy.
 - Educate instructors and recruits on the physiology and potential consequences of inadvertent head trauma.
 - “Educate on causes, prevention, and treatment of head injury, including the need to seek medical evaluation anytime head trauma may be suspected.”

CSHO NOTE: Instructors were retrained following the incident and the academy safety policies were revised to raise awareness and further clarify that head strikes were not allowed at any time.

- Recommendation: “2. Create Defensive Tactics Safety Protocol. Minimize potential for head injury by not allowing intentional direct blows to the head by instructors and/or recruits.
 - Initiate a safety officer program which does not co-mingle instructor assignment with safety office assignment. This would lessen the fatigue that could be experienced by a safety officer who previously immediately served as an instructor.
 - Eliminate the potential collisions resulting from recruits running in and out of the doorway by providing an alternative means of inducing fatigue and increasing the heart rate (such as using a stair stepper) OR changing the method of controlling foot traffic of any recruit entering or exiting the doorway.
 - Re-evaluate scheduling for defensive tactics training in order to improve muscle memory/tone, and decrease likelihood of repetitive injury during current short training cycles.
 - As advances in training techniques, protective equipment and medical research occur, Police Department should continuously evaluate and revise Defensive Training.

CSHO Note:

Following the accident, the Training Unit Defensive Tactics Safety Rules, Article III, were revised as follows (*new language underlined and in italics*):

“1.5.1 Protective head gear (supplied by the Training Unit) will be worn by all students during baton and striking combat evolutions. *NOTE: There will be No Intentional strikes to the head of the recruits or instructors.....at anytime.*”

Also following the accident, the lesson plan for the 4-20-11 Defensive Tactics course was revised as follows (new language underlined and in italics):

“Blocks (High Cover, Middle, Low Inside, Low Outside): Refresher

Drills: On the command to move, recruits will have to demonstrate proper blocking techniques while defending themselves from an aggressor (low intensity) (*NOTE: No intentional strikes to the head; however, instructors will simulate head strikes by simply utilizing the intimidation factor of going over and around their heads with the gloves, this will force the recruit to demonstrate proper High Cover Blocking Techniques.*”

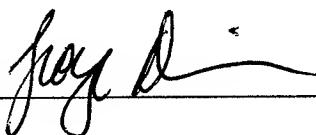
In a conversation with senior academy staff, it was stated that an additional instructor would be placed at the doorway when recruits were entering and exiting the gym but that where practical, exercises within the gym would be used to increase recruit heart rates in lieu of running outside.

- Recommendation: “3. Change the injury identification, reporting and monitoring process for recruits.
 - Educate recruits on the need to report injuries (self and others), especially head injuries.
 - Explore possibility of having a physical trainer (sports medicine type) on site, when appropriate, during physical training during the Academy. The purpose would be to independently evaluate recruits before, during and after training events to ensure recruit health and safety.
 - Establish protocol for the regular review of injury reports and compliance to safety protocol to continue to initiate improvements.”

C. RECOMMENDATIONS

- 1) Issue one other than serious citation under 1904.40(a): The employer did not furnish required records to an authorized government representative within the allowed time.
- 2) Issue one serious citation under 1910.132(d)(2): The employer had not certified a hazard assessment, identified who certified the assessment or the date the workplace was assessed.

CSHO's Signature:



, Date: 5/26/11